



United States Department of Agriculture

United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW
Washington, DC
20250

May 10, 2019

Delivered via Electronic Mail

Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005
foia@americanoversight.org

**Re: Interim Response for Freedom of Information Act (FOIA) Request No.
2018-DA-06212-F**

Dear Mr. Evers:

This is a Departmental FOIA Office (DFO) interim response to the above-referenced FOIA request, seeking the following “records to clarify whether and to what extent the relationship between Secretary Perdue and Mr. Ayers has created any conflicts of interest or ethical issues, and if so, what steps, if any, have been taken to address them.”

Records reflecting all communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, WhatsApp, Facebook Messenger, Twitter Direct Messages, or Signal), telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between James Nicholas “Nick” Ayers and any of the following current or former USDA officials:

1. Sonny Perdue
2. Heidi Green
3. Ted McKinney
4. Joyce White
5. Donald Cole
6. Janine Miller
7. Beth Walker Green
8. Misty Ann Giles

Because Joyce White and Beth Walker Green are employees of USDA’s Rural Development (RD) mission area, the parts of the request seeking their records have been routed to RD’s FOIA Officer for processing and direct response to you.

Your request is being processed under the FOIA, 5 U.S.C. § 552.

A search for responsive records was conducted by the Office of the Chief Information Officer’s (OCIO) telecommunications provider, the Client Experience Center (CEC). This provider performs network services for the OCIO to include electronic messaging operations, electronic calendars, blackberry, mobile device management (MDM), file

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and print, remote access, voice, network, service desk, and other application services. The Skype accounts and Outlook calendars associated with Sonny Perdue, Heidi Green, Ted McKinney, Donald Cole, Janine Miller, and Misty Ann Giles were searched for responsive records, from January 20, 2017, to October 30, 2018, the date of search.

No responsive records were identified as a result of the Skype searches.

With regard to Outlook calendar items, any meeting or appointment between the Secretary and Nick Ayers would be reflected on the Secretary's calendars. The Secretary's calendars have been previously released to American Oversight and are also publicly available on the OSEC/OCIO Reading Room on USDA's website, accessible at <https://www.dm.usda.gov/foia/OCIOReading.htm>. There were no responsive Outlook calendar items for Heidi Green, Ted McKinney, Donald Cole, Janine Miller, and Misty Ann Giles.

The DFO continues processing the remainder of your request.

You have the right to appeal the DFO's determinations. Your appeal rights for all records released in response to this request will be provided to you in our final response letter.

If you have any questions regarding the processing of this request, please contact Ms. Camille Aponte at (202) 694-5960, or electronically at Camille.Aponte@usda.gov or USDAFOIA@ocio.usda.gov.

For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dm.usda.gov/foia.

The DFO Team appreciates your patience as we continue to process the remainder of the request.

Sincerely,

ALEXIS
GRAVES

Digitally signed by ALEXIS
GRAVES
Date: 2019.05.10 09:27:47
-04'00'

Alexis R. Graves
Departmental FOIA Officer
Office of the Chief Information Officer